



APPLICATION ACCEPTED: January 4, 2013
BOARD OF ZONING APPEALS: April 3, 2013
TIME: 9:00 a.m.

County of Fairfax, Virginia

March 27, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-DR-003

DRANESVILLE DISTRICT

APPLICANTS: Arthur E. Kopelman, Trustee
Loretta M. Kopelman, Trustee

OWNERS: Arthur E. and Loretta M. Kopelman

SUBDIVISION: Salona Village

STREET ADDRESS: 1432 Waggaman Circle, McLean, VA 22101

TAX MAP REFERENCE: 30-2 ((29)) 1

LOT SIZE: 30,504 square feet

ZONING DISTRICT: R-2, HC

ZONING ORDINANCE PROVISIONS: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of an addition 10.5 feet from side lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2013-DR-003 with adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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Rebecca Horner



It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

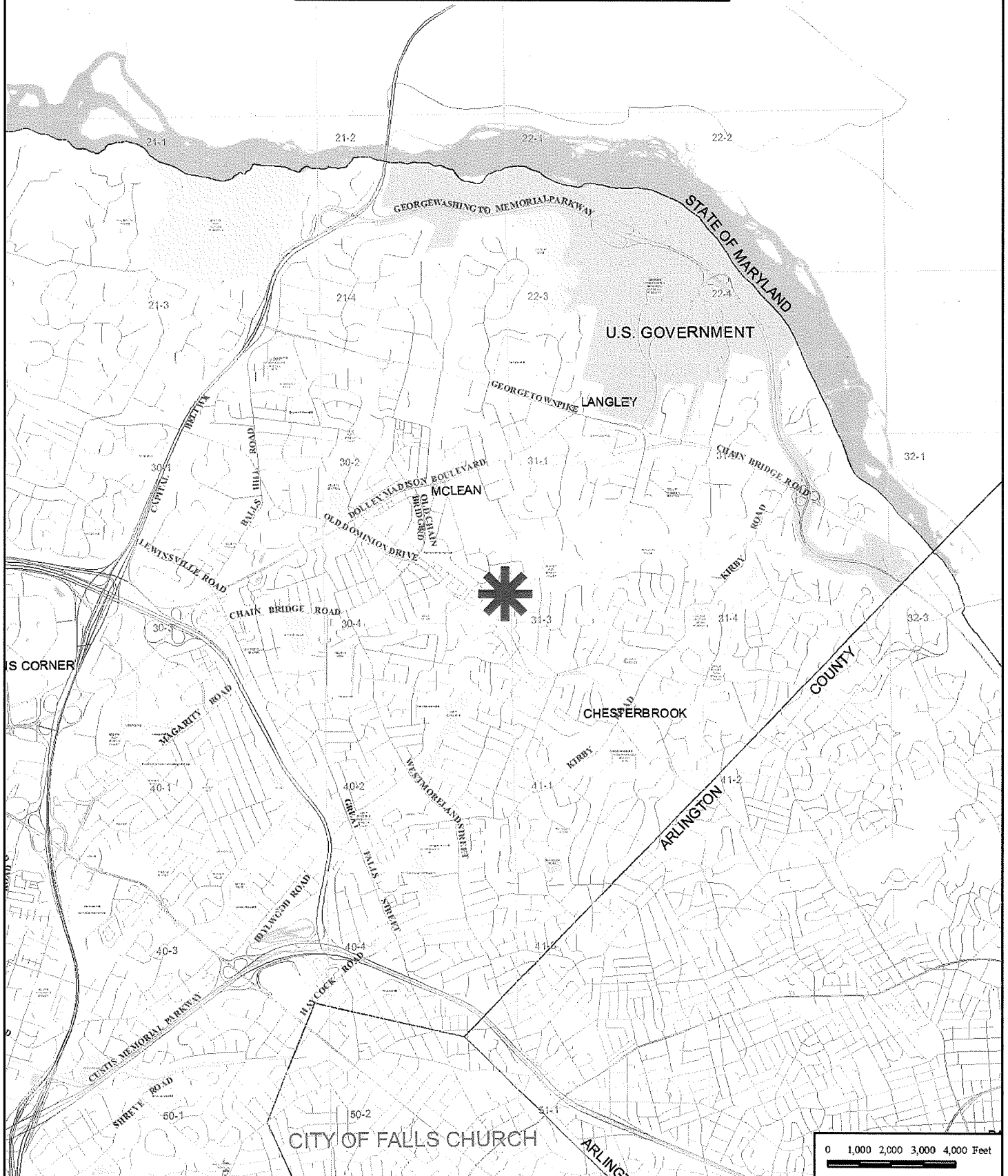


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2013-DR-003

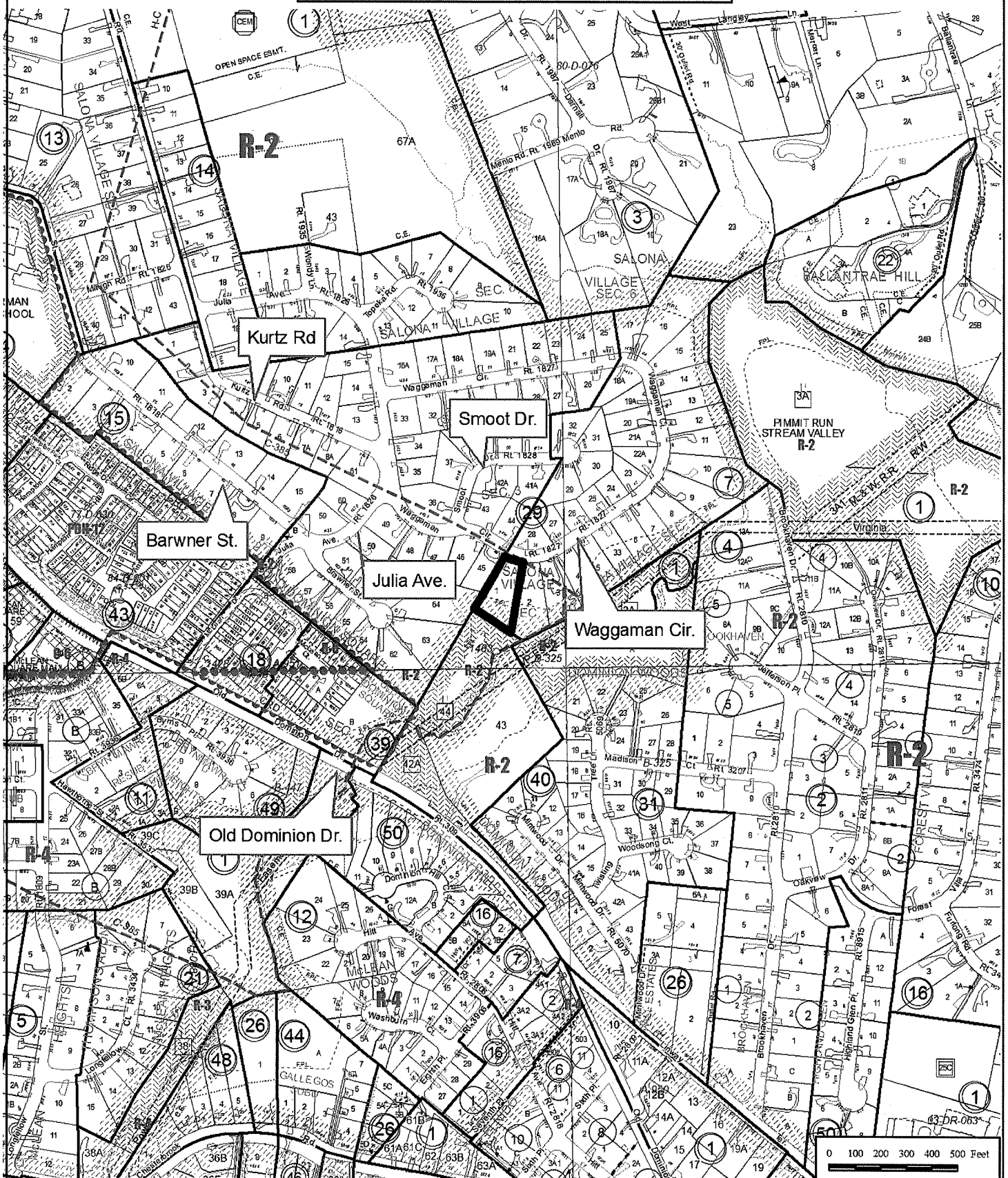
ARTHUR E. KOPELMAN, TRUSTEE AND
LORETTA M. KOPELMAN, TRUSTEE

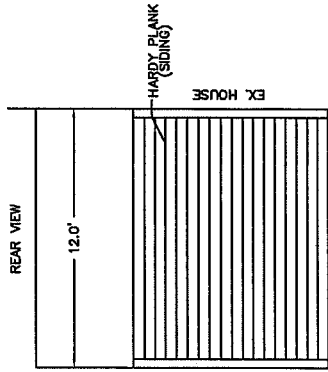
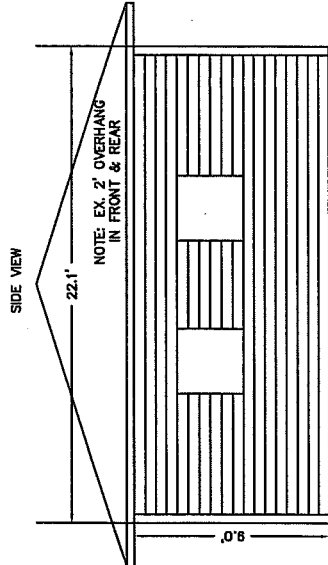
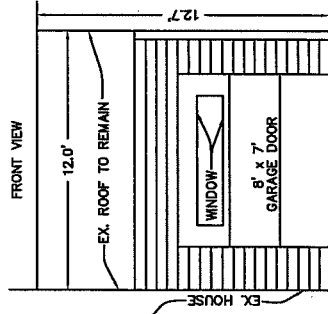


Special Permit

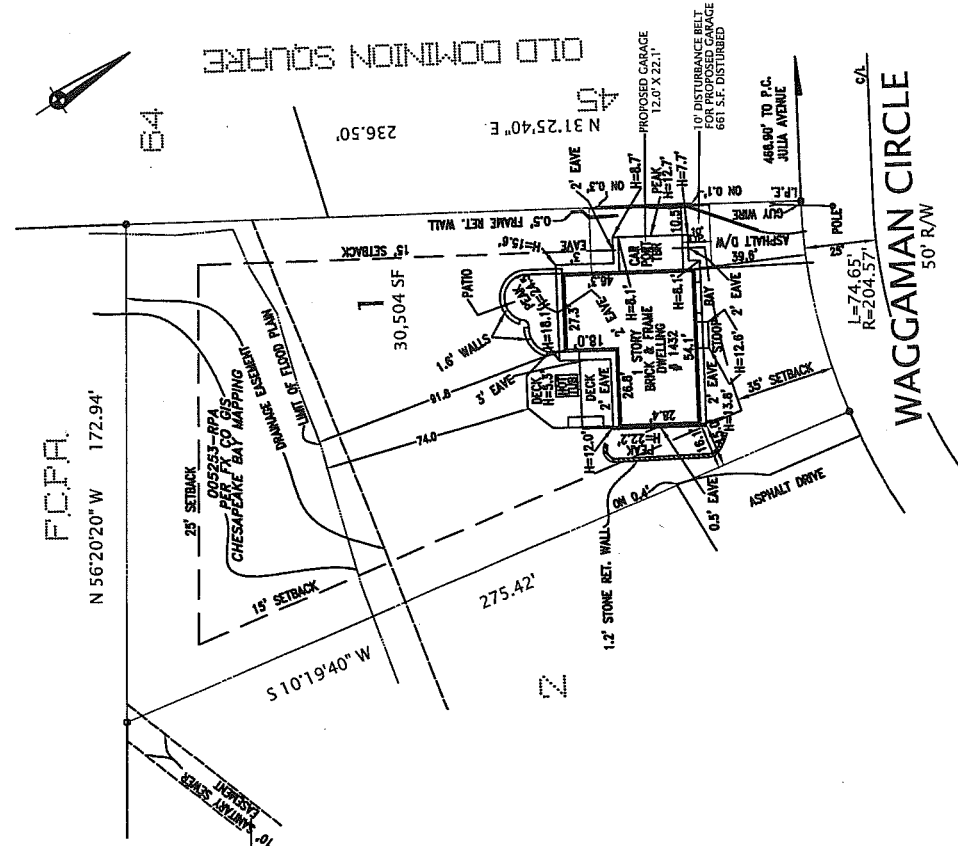
SP 2013-DR-003

ARTHUR E. KOPELMAN, TRUSTEE AND
LORETTA M. KOPELMAN, TRUSTEE





PROPOSED GARAGE DETAIL
SCALE: 1" = 4'

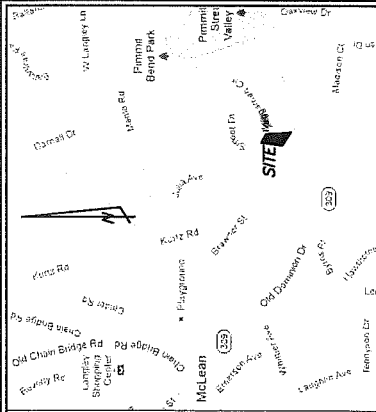
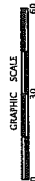


NOTES:

1. THE PROPERTY DELINEATED HEREON IS LOCATED ON FAIRFAX COUNTY TAX ASSESSMENT MAP #030-2-(29)--0001 AND IS ZONED R-2 (2 LOTS PER ACRE). THIS SITE CONTAINS 30,504 SQUARE FEET.
2. THIS PLAT IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
3. ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS OR OTHER INTERESTS OF THE RECORD ARE TO REMAIN IN FULL EFFECT UNLESS OTHERWISE SHOWN HEREON. NO KNOWN EASEMENTS OVER 25'.
4. OWNER: KOPELMAN, ARTHUR E. TR.
1432 WAGGAMAN CIRCLE
MCLEAN, VA 22101
(DB. 21772 PG. 1891)
5. LOT ZONING R-2:
FRONT = 35'
SIDE = 15'
REAR = 25'
6. THIS SITE HAS PUBLIC SEWER AND WATER, WELL AND SEPTIC DO NOT EXIST ON THIS LOT. DRY UTILITIES CONNECTED CONSIST OF GAS, COMMUNICATIONS AND CABLE
7. NO GRAVES OR STRUCTURES MARKING A GRAVE ARE LOCATED ON THIS LOT.
8. A PORTION OF THIS LOT IS LOCATED WITHIN THE 1983 RESOURCE PROTECTION AREA (RPA) OR FLOOD PLAIN.
9. THERE ARE NO HAZARDOUS OR TOXIC SUBSTANCES ON OR NEAR THIS PROPERTY AS DESCRIBED IN TITLE 40 CODE OF FEDERAL REGULATIONS PARTS 116.4, 302.4 AND 355 OR OTHER STATE OR LOCAL REGULATIONS.
10. THE LOT CONFORMS TO THE PROVISIONS OF ALL OTHER APPLICABLE CODES OR ORDINANCES AND REGULATIONS (EXCEPT FOR NOTE #11)
11. SPECIAL PERMIT PURPOSE: (1)REDUCE SIDEYARD SETBACK FROM 15' TO 10.5' TO ALLOW FOR CARPORT TO BE ENCLOSED AS A GARAGE.
12. IMPERVIOUS AREA NOT TO INCREASE WITH FINISHED PROJECT.

GROSS FLOOR AREA TABLE

EXISTING GROSS FLOOR AREA (INCLUDING BASEMENT)	4,048 S.F.
PROPOSED GARAGE AREA	265 S.F.
RESULTING TOTAL	4,313 S.F.
RESULTING GROSS FLOOR AREA RATIO	=107%



VICINITY MAP
SCALE: 1" = 1000'

NOTES:
(CONTINUED)

13. THE RESULTING GROSS FLOOR AREA OF AN EXISTING ACCESSORY STRUCTURE AND ANY ADDITION TO IT SHALL BE SUBORDINATE IN PURPOSE, SCALE, USE AND INTENT TO THE PRINCIPAL STRUCTURE.
14. THE BZA SHALL DETERMINE THAT THE PROPOSED DEVELOPMENT IS HARMONIOUS WITH THE SURROUNDING STRUCTURES IN TERMS OF POSITION, HEIGHT, BULK AND SCALE OF SURROUNDING STRUCTURES, TOPOGRAPHY, VEGETATION AND PRESERVATION OF SIGNIFICANT TREES AS DETERMINED BY THE DIRECTOR.
15. IN ACCORDANCE WITH THE BZA THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY IMPACT THE USE AND ENJOYMENT OF ADJACENT PROPERTIES WITH REGARD TO NOISE, LIGHT, AIR, SAFETY, EROSION OR STORMWATER RUNOFF.
16. SOILS ARE: WHEATON-GLENELG COMPLEX AND CODOBUS 4. HAZARDOUS SOILS: NO NEW EXCAVATIONS ARE PROPOSED SO, NO LIMITED GEOTECH SOILS IS REQUIRED.



SPECIAL PERMIT PLAT
ON
LOT 1 SECTION 7
SALONA VILLAGE

DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA
DATE: JUNE 25, 2012
REVISED: JANUARY 3, 2013
SCALE: 1" = 30'



ALEXANDRIA SURVEYS, LLC
3949 PENDER DRIVE STE #105 FAIRFAX, VIRGINIA 22030
TEL. NO. 703-660-6615 FAX NO. 703-768-7764

VIEW 1



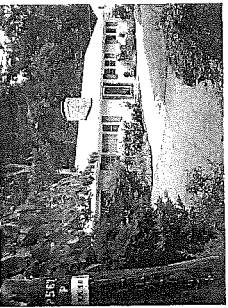
LOOKING SOUTH AT SUBJECT HOUSE AND CARPORT

VIEW 2



LOOKING ALONG WEST PROPERTY LINE

VIEW 3



LOOKING WEST ALONG NORTH SIDE OF HOUSE AT NEIGHBORS RESIDENCE

VIEW 4



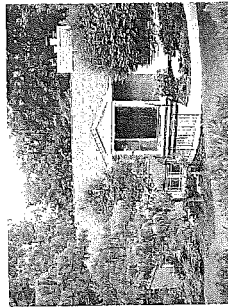
LOOKING NORTH AT NEIGHBORS RESIDENCE ON WAGGAMAN CIRCLE

VIEW 5



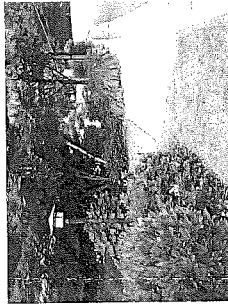
VIEW OF PLANTED AREA ALONG EAST SIDE OF HOUSE

VIEW 6



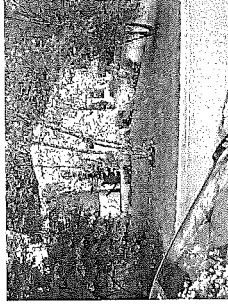
LOOKING SOUTH AT FRONT OF SUBJECT HOUSE

VIEW 7



LOOKING ALONG NORTH PROPERTY LINE FROM EAST TO WEST

VIEW 8



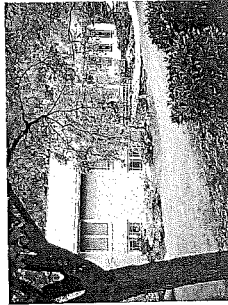
LOOKING NORTH ACROSS FROM SUBJECTS HOUSE

VIEW 9



VIEW OF EAST FRONT PROPERTY LINE LOOKING NORTH

VIEW 10



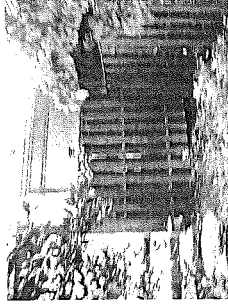
EAST SIDE OF HOUSE LOOKING WEST

VIEW 11



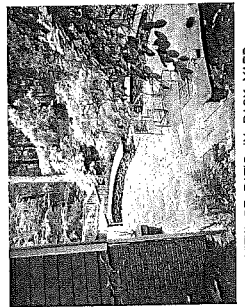
FRONT YARD OF HOUSE FROM WAGGAMAN CIRCLE

VIEW 12



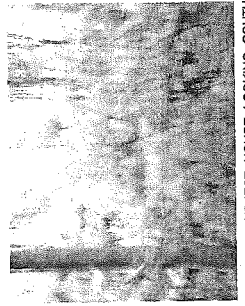
SIDE YARD WEST, FENCE AT REAR OF HOUSE

VIEW 13



VIEW OF PATIO IN BACK YARD

VIEW 14



BACK OF SUBJECT HOUSE LOOKING SOUTH



SPECIAL PERMIT PLAT ON

LOT 1 SECTION 7

SALONA VILLAGE

DRANESVILLE DISTRICT

FAIRFAX COUNTY, VIRGINIA

DATE: JUNE 25, 2012

SCALE: 1" = 30'

ALEXANDRIA SURVEYS, LLC

3949 PENDER DRIVE, STE #105 FAIRFAX, VIRGINIA 22030

TEL. NO. 703-660-6615 FAX NO. 703-768-7764

VIEW 15



LOOKING SOUTH ALONG SOUTH PROPERTY LINE

VIEW 16



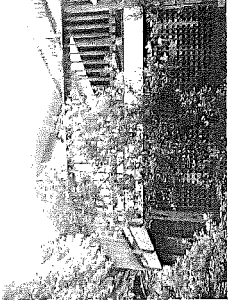
LOOKING WEST TOWARD
NEIGHBORS HOUSE WEST SIDE

VIEW 17



LOOKING EAST ALONG REAR PROPERTY LINE

VIEW 18



VIEW OF REAR DECK
AT SUBJECT HOUSE



SPECIAL PERMIT PLAT

ON

LOT 1 SECTION 7

SALONA VILLAGE

DRANESVILLE DISTRICT

FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 30' DATE: JUNE 25, 2012

SHEET 3 OF 3

ALEXANDRIA SURVEYS, LLC

3949 PENDER DRIVE, STE. #105 FAIRFAX, VIRGINIA 22030

TEL. NO. 703-660-6615 FAX NO. 703-758-7764

DESCRIPTION OF THE APPLICATION

The applicant is seeking approval of a request for a reduction of certain yard requirements to permit construction of an addition, to enclose an existing carport, 10.5 feet from the western side lot line.

	Structure	Yard	Min. Yard Req.*	Structure Location	Proposed Reduction	Percent of Reduction
Special Permit	Addition	Western Side	15 feet	10.5 feet	4.5 feet	30%

* Minimum yard requirement per Section 3-207

EXISTING SITE DESCRIPTION

The 30,504 square foot lot is currently zoned R-2 and located within a Highway Corridor Overlay District. The lot is and developed with a single family detached dwelling, built in 1957. The lot slopes down from the front towards the western rear lot line. The property contains several mature trees, and shrubs and foundation plantings. There is a small portion of an existing ten foot wide sanitary sewer easement that clips the southeastern corner of the rear yard. The southern rear third of the lot is within a Resource Protection Area (RPA), a 100-year floodplain and a drainage easement.

The dwelling includes a covered porch off the front of the structure. The existing covered porch is outside of the front yard setback, more than 35 feet from the front lot line. The dwelling has an existing open deck and patio off the rear of the structure.

The dwelling has a hard surfaced driveway which accesses Waggaman Circle and terminates at a single stall carport. A hard surfaced walkway connects the driveway to the front of the dwelling.

CHARACTER OF THE AREA

	Zoning	Use
North	R-2	Single-Family Detached Dwellings
East	R-2	Single-Family Detached Dwellings
South	R-2	Fairfax County Park Authority Property
West	R-2	Single-Family Detached Dwellings

BACKGROUND

Following the adoption of the current Ordinance, the BZA has heard the following variance applications in the vicinity of the application parcel:

- Variance VC 86-D-025 was approved June 24, 1986 for tax map 30-2 ((24)) 6A, zoned R-2, at 6620 Claymore Court, to permit enclosure of existing carport 30.1 feet from front lot line.
- Variance VC 88-D-185 was approved March 22, 1989 for tax map 30-2 ((20)) (B) 7, zoned R-2, at 1137 Buchanan Street to permit construction of carport addition to dwelling 3.0 feet from side lot line.

PROPOSAL:

The applicants request to enclose the existing single-stall carport in order to create an attached 265 square foot garage addition. The proposed addition is to be constructed with hardy plank siding and gable roof to match the existing dwelling.

The proposed garage addition will be located 10.5 feet, measured from the edge of the eave, from the side lot line. The Zoning Ordinance requires a minimum side yard of 15 feet, therefore, a modification of 4.5 feet (30%) is requested.

A Special Permit Plan titled "Special Permit Plan, on Lot 1, Section 7, Salona Village" prepared by Michael L. Flynn, Land Surveyor, dated June 25, 2012 as revised through January 3, 2013, is included at the front of the staff report.

ZONING ORDINANCE REQUIREMENTS

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1. The application must meet all of the following standards, copies of which are attached as Appendix 4:

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

Sect. 8-006 General Special Permit Standards

Staff believes that the application meets all of the 8 General Special Permit Standards with notes regarding General Standards 3.

General Standard 3 requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with

the applicable zoning district regulations and the adopted comprehensive plan. *The general character of the neighborhood is residential. The applicants propose to build the garage addition in the location of the existing carport. The addition will be harmonious with the existing dwelling and neighborhood.*

Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to existing accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. *Staff believes that the application has met all of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.*

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. According to tax records, the existing dwelling has 4,048 square feet of above grade living area. Therefore 150% of the total gross floor area could result in an addition up to 6,072 square feet square feet in size for a possible total building size of 10,120 square feet above-grade living area. The proposed addition is approximately 265 square feet in area, thereby realizing a total house size of 4,313 square feet. Therefore the application meets this provision.

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The elevation drawings submitted indicate that the materials, size and scale of the proposed garage addition will be compatible with the existing structure. The addition will be sided, will use the existing roof. The addition is clearly subordinate in bulk and scale to the principal dwelling and the proposed addition will not create any additional height to the overall existing structure. The proposed garage addition will enclose the existing carport. Staff believes the application meets this provision.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. It appears the proposed improvements are compatible with the surrounding houses in the neighborhood. The surrounding neighborhood contains residential homes with carports and attached garages. The new addition will be incorporated into the bulk of the existing dwelling and be minor in scale. The proposed exterior building materials are consistent with the on-site dwelling and compatible with those in the neighborhood. Staff believes the application meets this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. There will not be any disturbance within the RPA, floodplain or drainage easement. The addition does not add impervious area because they are in an area of the existing carport. Staff believes this standard is met.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The proposed addition is in an area without existing trees. The area of the addition is off the side of the existing dwelling in the location of the existing carport. It appears there will be no impact to existing vegetation and minimal new impervious area, therefore staff believes that the application meets this provision.

CONCLUSION

Staff finds that the subject application is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2013-DR-003 for the addition, subject to the Proposed Development Conditions contained in Appendix 1 of the staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2013-DR-003****March 27, 2013**

If it is the intent of the Board of Zoning Appeals to approve SP 2013-DR-003 located at 1432 Waggaman Circle, Tax Map 30-2 ((29)) 1 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size (approximately 265 square feet) of the garage addition, as shown on the plat prepared by Michael L. Flynn, Land Surveyor, dated June 25, 2012, as revised through January 3, 2013, submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (4,048 square feet existing + 6,072 square feet (150%) = 10,120 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall generally be consistent with the architectural renderings and materials as shown on the special permit plat.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional

time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Application No.(s): _____
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/12/2012
 (enter date affidavit is notarized)

I, Arthur E. Kopelman, Trustee, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) ☒ applicant
☐ applicant's authorized agent listed in Par. 1(a) below

118200

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE**,** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(**NOTE**: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Arthur E. Kopelman, Trustee Loretta M. Kopelman, Trustee, as Co-Trustees of the Arthur E. Kopelman Revocable Trust and the Loretta M. Kopelman Revocable Trust, for the benefit of Arthur E. Kopelman and Loretta M. Kopelman	1432 Waggaman Circle, McLean, VA 22101	Applicant/Title Owner
Alexandria Surveys, LLC	3949 Pender Drive, Fairfax, VA 22030	Agent
Paul Hoofnagle	(same)	Agent

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/12/2012
(enter date affidavit is notarized)

118200

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Alexandria Surveys, LLC
3949 Pender Drive
Fairfax, VA 22030

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

Paul and Sharon Hoofnagle

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/12/2012
(enter date affidavit is notarized)

118760

- 1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

N/A

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/12/2012
(enter date affidavit is notarized)

118708

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/12/2012
(enter date affidavit is notarized)

118700

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

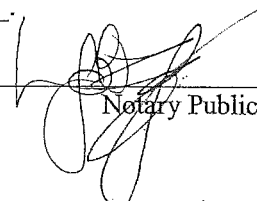
(check one) ☒ Arthur E. Kopelman, Trustee [] Applicant's Authorized Agent

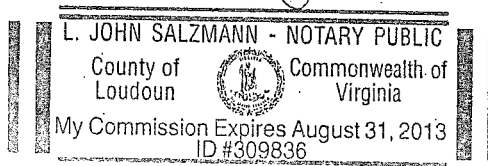
ARTHUR E. KOPELMAN, TRUSTEE

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 12th day of NOVEMBER 2012, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

My commission expires: 8/31/2013


Notary Public



ALEXANDRIA SURVEYS, LLC

3949 PENDER DRIVE
FAIRFAX, VA 22030
TELEPHONE: 703-660-6615
FACSIMILE: 703-768-7764

RECEIVED
Department of Planning & Zoning

SEP 28 2012

Zoning Evaluation Division

Ms. Susan Langdon
Department of Planning & Zoning
Board of Zoning Appeals Support Branch
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22030

Re: Special Permit for Reduction to the Minimum Yard Requirements Based on Error in
Building Location
Tax Map 030-2-((29))-0001
Property of Arthur E. and Loretta M. Kopelman Owner and Applicant
1432 Waggaman Circle, VA 22101

Dear Ms. Langdon:

The following is a statement addressing requirements number 4, 5, 6, 7, 8, 9, and 10 for the above referenced Special Permit application. The applicant lives at the referenced property located in Salona Village subdivision.

4. The gross floor area of an enclosure to the existing principal structure existing at the time of first expansion request may be up to 150 percent of the total gross floor area of the principal structure. In this application the addition will be 264 square feet or less than 10 percent cent of the gross floor area which complies with the requirements of this provision. However the increase in actual area is 0% since it will be built on the existing carport slab and will not increase disturbance at all.
5. The resulting gross floor area of this structure including other additions, which do not exist on this structure, are subordinate in purpose, scale, use and intent to the principal structure on this site.
6. The owner has in this submittal shown that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure on this lot.
7. This proposed structure is harmonious with the surrounding off-site uses and structures in terms of location, height, and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.

8. The development of the garage will not adversely impact the use and/or enjoyment of any adjacent properties with regard to issues such as noise, light, air safety, erosion, or stormwater runoff.
9. The proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on this lot.

Please note that the proposed structure will be built on an existing concrete slab and will not create any additional disturbance during construction.

The construction of the requested garage will not in anyway impact the layout of existing structures on this lot or adjacent lots.

Orientation of the proposed structure on this lot will favor the owners house and will be complementary to his house and adjacent homes.

The layout of this structure is the only location that will serve the owners needs and accommodate all parties.

The subject construction area does not contain steep slopes, floodplains, or resource protection areas and will not disturb any vegetated areas. The proposed garage will not be located in an area where sewer would be placed. Public water serves all the houses on and are located in the street.

10. The owner is aware that the BZA can impose conditions as it seems necessary to satisfy this criteria including but not limited to imposition of a maximum gross floor area ratio, lot coverage, landscaping and/or screening requirements.

ALEXANDRIA SURVEYS, LLC

3949 PENDER DRIVE
FAIRFAX, VA 22030
TELEPHONE: 703-660-6615
FACSIMILE: 703-768-7764

Ms. Susan Langdon
Department of Planning & Zoning
Board of Zoning Appeals Support Branch
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22030

Re: Special Permit for Construction of a Garage at Site of Existing Car Port
Tax Map 030-2-((29))-0001, Zoned R-2, Containing 30,504 square foot
Property of Arthur E. Kopelman, Loretta M. Kopelman Owners and Applicants
1432 Waggaman Circle, McLean, VA. 22101

Dear Ms. Langdon:

The following is a statement of justification for the above referenced Special Permit application. The applicant lives at the above referenced property located on a circle in the subdivision of Salona Village located in the Dranesville District of Fairfax County. The owners of this residence are in a situation where they will need to provide a garage for safe travel from and to their car in times of inclement weather.

It is further submitted that criteria set forth in Section 8-922 is satisfied as follows:

1. The maximum height of the structure will not exceed 12.5 feet from the ground which is less than the maximum allowed by the FF Co. criteria.
2. The garage will be built as an enclosure to an existing car port and will not increase the size of the carport or runoff as a result of the construction.
3. The garage is consistent with others in this community that have been constructed in the same manner.
4. The garage will not exceed the existing 4.5 feet encroachment into the 15.0 foot side yard setback.

RECEIVED
Department of Planning & Zoning

SEP 28 2012

Zoning Evaluation Division

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards for All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-922 Provisions for Reduction of Certain Yard Requirements

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
 - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
 - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
 - C. Accessory structure location requirements set forth in Sect. 10-104.
 - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of a well and/or septic field.
 - I. Existing and proposed gross floor area and floor area ratio.

- J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.